

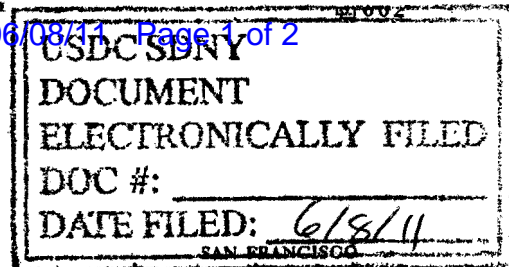
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June 7, 2011

OUR FILE NUMBER
19,368-1207

VIA FACSIMILE (212.805.6111)

APPLICATION GRANTED

WRITER'S DIRECT DIAL
(212) 408-2409

The Honorable Henry Pitman
United States Magistrate Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

SO ORDERED

WRITER'S E-MAIL ADDRESS
jrosenberg@omm.com

Henry Pitman
HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE

6-7-11

Re: NECA-IBEW Pension Trust Fund, et ano. v. Bank of America Corporation, et al., Case No. 10-cv-00440 (LAK) (HBP)

Dear Judge Pitman:

We represent the BAC Defendants¹ in this action. We write on behalf of all Defendants to request respectfully that the Court reallocate the pages for the Defendants' reply briefs in support of their motions to dismiss the First Amended Complaint due this Friday, June 10, 2011. Under the current page allocation, each of the BAC Defendants and the Underwriter Defendants² are permitted to submit a reply brief no longer than 10 pages, for a total of 20 pages of reply briefing. Because the BAC Defendants made the bulk of the arguments in the opening briefs, Defendants respectfully request that the Court permit the BAC Defendants to submit a reply brief no longer than 15 pages, and shorten the length of the Underwriter Defendants' brief to no more than five pages. This would not increase the total pages of reply briefing for all Defendants.

The Defendants have conferred with Plaintiffs, who have no objection to the request. Accordingly, the Defendants respectfully request that (i) the BAC Defendants be permitted to

¹ The "BAC Defendants" are Defendants Bank of America Corporation, Kenneth D. Lewis, Joe L. Price, Neil A. Cotty, William Barnet, III, Frank P. Bramble, Sr., John T. Collins, Gary L. Countryman, Tommy R. Franks, Charles K. Gifford, W. Steven Jones, Walter E. Massey, Thomas J. May, Patricia E. Mitchell, Thomas M. Ryan, O. Temple Sloan, Jr., Meredith R. Spangler, Robert L. Tillman and Jackie M. Ward.

² The "Underwriter Defendants" are Defendants Banc of America Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, UBS Securities LLC, Wachovia Capital Markets, LLC, Deutsche Bank Securities and J.P. Morgan Securities, Inc.

O'MELVENY & MYERS LLP

The Honorable Henry Pitman, June 7, 2011 - Page 2

file a reply brief no more than 15 pages long; and (ii) the Underwriter Defendants be permitted to file a reply brief no more than five pages long.

Respectfully submitted,

Jonathan Rosenberg / LAF
Jonathan Rosenberg

cc: All counsel of record (by e-mail)